Information Commissioner's Office

Consultation:

Direct Marketing Code

Start date: 8 January 2020

End date: 4 March 2020

Introduction

The Information Commissioner is producing a direct marketing code of practice, as required by the Data Protection Act 2018. A draft of the code is now out for public consultation.

The draft code of practice aims to provide practical guidance and promote good practice in regard to processing for direct marketing purposes in compliance with data protection and e-privacy rules. The draft code takes a life-cycle approach to direct marketing. It starts with a section looking at the definition of direct marketing to help you decide if the code applies to you, before moving on to cover areas such as planning your marketing, collecting data, delivering your marketing messages and individuals rights.

The public consultation on the draft code will remain open until **4 March 2020**.The Information Commissioner welcomes feedback on the specific questions set out below.

You can email your response to directmarketingcode@ico.org.uk

Or print and post to:

Direct Marketing Code Consultation Team
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

If you would like further information on the consultation, please email the Direct Marketing Code team.

Privacy statement

For this consultation we will publish all responses received from organisations except for those where the response indicates that they are an individual acting in a private capacity (eg a member of the public). All responses from organisations and individuals acting in a professional capacity (eg sole traders, academics etc) will be published but any personal data will be removed before publication (including email addresses and telephone numbers).

For more information about what we do with personal data please see our privacy notice

Q1   Is the draft code clear and easy to understand?

   ☒   Yes

   ☐   No

   If no please explain why and how we could improve this:

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Q2   Does the draft code contain the right level of detail? (When answering please remember that the code does not seek to duplicate all our existing data protection and e-privacy guidance)

   ☒   Yes

   ☐   No

   If no please explain what changes or improvements you would like to see?

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Q3   Does the draft code cover the right issues about direct marketing?

    ☒   Yes

    ☐   No

If no please outline what additional areas you would like to see covered:

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Q4   Does the draft code address the areas of data protection and e-privacy that are having an impact on your organisation's direct marketing practices?

    ☒   Yes

    ☐   No

If no please outline what additional areas you would like to see covered

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Q5 Is it easy to find information in the draft code?

☒   Yes

☐   No

If no, please provide your suggestions on how the structure could be improved:

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Q6 Do you have any examples of direct marketing in practice, good or bad, that you think it would be useful to include in the code

☐   Yes

☒   No

If yes, please provide your direct marketing examples :

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Q7   Do you have any other suggestions for the direct marketing code?

Yes, this involves the EU's consistency mechanism principle.

In the UK, post GDPR it was considered unlawful to send emails to individuals for whom consent had not already been obtained asking for permission.

In a Recent court case in Rome this activity was considered lawful and their regulators fine was overturned. The reason given that these communications were not considered unsolicited but Administrative.

This puts businesses in the UK and other EU countries at a commercial disadvantage.

Please clarify the position in this area within the code.

Source: http://bit.ly/31Up6px

About you

Q8   Are you answering as:

☐   An individual acting in a private capacity (eg someone providing their views as a member of the public)
☐   An individual acting in a professional capacity
☒   On behalf of an organisation
☐   Other

Please specify the name of your organisation:

Griffin House Consultancy Limited

If other please specify:

Q9   How did you find out about this survey?

☐   ICO Twitter account

☐   ICO Facebook account

☐   ICO LinkedIn account

☐   ICO website

☒   ICO newsletter

☐   ICO staff member

☐   Colleague

☐   Personal/work Twitter account

☐   Personal/work Facebook account

☐   Personal/work LinkedIn account

☐   Other

If other please specify:

Thank you for taking the time to complete the survey